



Town of Carlisle

MASSACHUSETTS 01741

Office of
PLANNING BOARD

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MINUTES
April 22, 2002

Community Preservation Committee

Continued Public Hearing: Common Driveway Special Permit, 138 East Street, Map 22, Parcels 62B & 63D, Theodore Treibick, applicant

Discussion of proposed amendments to Subdivision Rules and Regulations

Discussion of Town Counsel Services

Discussion of proposed amendments to local Wetlands Bylaw (Article XIII) [Request of Conservation Commission]

Request to certify completion of Swanson Lane Common Driveway Special Permit Amendments (Kimball Road), Map 29, parcels 6-19, 6-19A, 6-20 and 6-21 [Request of David Erickson]

Vice Chair Michael Epstein called the meeting to order at 7:30 p.m. in the Clark Room at Town Hall. Board Members Louise Hara (Clerk), Dan Holzman, Tom Lane (Treasurer) Kate Reid and Phyllis Zinicola were present. Michael Abend (Chair) was not present this evening. Planning Administrator George Mansfield and Administrative Assistant Anja Stam were present.

Reid moved and Lane seconded a motion to accept the minutes of April 8, 2002 as drafted. The motion carried 6-0.

Bills and Budget

Mansfield explained that Earth Tech submitted invoice # 208616 for Maplewood to replace invoice # 173354, which had mistakenly included charges for both Maplewood and Rockstrom. The new invoice, however, does not replace invoice #176964, which charged for reinspection of Maplewood after the Planning Board discovered problems with the first inspection. The Board agreed to pay for the first inspection only. They also asked the Planning Administrator to inquire about the services of E. Brown listed on invoice #176964.

Holzman thought that the bills from Judith Nitsch engineering seemed high and asked the PA to determine if they had recently raised their billing rates.

Epstein asked the Administrative Assistant to resubmit the list of engineers presented at an earlier meeting. He also asked her to inquire whether or not Concord's town engineer would be available to review development in Carlisle. Although Board members did not wish to interview engineers at this time, they thought it would be helpful to have a list of qualifications and billing rates available from potential engineers.

Regarding the budget, Lane asked if the first override listed in the Town Meeting Warrant included salaries as promised with the Wage and Classification Study in the Planning Board line item. Mansfield said it did.

Community Preservation Committee

The Board reviewed a draft memo to the Board of Selectmen and the CPC prepared by Reid. In the course of discussing the memo, Board members agreed by a 6-0 straw poll that the Planning Board should not support any reduction in the Community Preservation Act surcharge. Reid agreed to redraft the memo to reflect that the Planning Board recommends maintaining the 2% surcharge, and the Board will support this position at Town Meeting.

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Carolyn Kiely of 132 Hartwell Road was present. Epstein informed her that the applicant provided a fax dated 4/18/02 requesting a continuance and that no testimony would be taken. Holzman noted that he might not be able to attend the 5/13/02

meeting, and will let the PA know for sure by next Monday. **Holzman moved and Reid seconded a motion to continue the public hearing to 7:45 p.m. on May 13, 2002.** The motion carried 6-0.

Discussion of proposed amendments to Subdivision Rules and Regulations

Epstein reported that he was not able to speak with Town Counsel regarding the maintenance issues. He would like to schedule a public hearing for the rules and regulations as soon as this is resolved. Reid suggested that the Board should move forward with the rules and regulations if the maintenance questions cannot be answered quickly. Epstein agreed. He asked the PA to request Judith Nitsch Engineering to be present at the Public Hearing for the rules and regulations and to ask if this service would be covered in the original fee the Board paid for the drainage study.

Discussion of Town Counsel Services

Epstein asked the PA to set up a meeting with Town Counsel, the Town Administrator, the PA, Epstein and Zinicola. Board members were asked to e-mail their issues or concerns with Town Counsel services to Mansfield.

The Board discussed concerns regarding the use of e-mail vis a vis the public records law. The PA reported that the Town Administrator advised that e-mail may be used to give input, but not to make decisions. The AA noted that there are documents outlining this issue in the PB office and she agreed to distribute them at the next meeting.

The Board also discussed the issue of whether or not opinions from Town Counsel are public record. According to the Town Administrator, this type of correspondence is privileged unless the Board decides to discuss it at a meeting. The PA reported that he has posed this question to Town Counsel and he is awaiting a response.

Discussion of proposed amendments to local Wetlands Bylaw (Article XIII) [Request of Conservation Commission]

The following members of the Conservation Commission were present: Sylvia Willard (Administrator), Chris Kavalauskas (Chair), Roy Watson, Jr., and JoRita Jordan.

Kavalauskas reported that the proposed bylaw includes three general changes: 1) It is updated to reflect the standards of MGL and the Rivers Protection Act, 2) There are some corrections and clarifications made throughout the bylaw, 3) The filing fees will be removed from the bylaw and incorporated in the rules and regulations, and 4) The violation penalties will be upgraded.

Kavalauskas explained that the State laws provide a minimum level of wetland protection and local bylaws may be more stringent. The Conservation Commission asked the Planning Board for support of its bylaw at Town Meeting, particularly the aspect of moving its fees from the bylaw to the rules and regulations. The Board agreed to support the reconfiguration of fees, but did not feel it had the expertise to endorse other bylaw changes.

Request to certify completion of Swanson Lane Common Driveway Special Permit Amendments (Kimball Road), Map 29, parcels 6-19, 6-19A, 6-20 and 6-21 [Request of David Erickson]

Applicant David Erickson of 237 Fiske Street was present.

Mansfield explained that an as-built plan has been submitted by the applicant and reviewed by Mark Sleger of LandTech. According to Sleger's memo of 4/11/02, the driveway has been built in accordance with the amended plan, with the exception of a concrete retaining wall in place of a field stone wall, and a utility trench that was not properly compacted and sealed.

Mansfield explained that the concrete retaining wall was already in place at the time the applicant applied for an amendment. This substitution was not noted at that time. The Board agreed that the concrete wall will perform as well as a fieldstone wall and did not feel that an amendment would be necessary, since concrete was noted on the as-built plan.

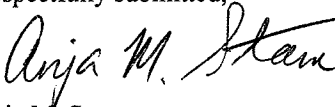
Erickson explained that the builder has already agreed to repair the trench and provided an estimate of \$350 for this work. Erickson asked if he could pay this amount as a security for completion of the Common Driveway in exchange for an occupancy permit. Epstein suggested that the Board obtain an estimate for trench repair plus contingency from LandTech, and that Erickson then provide a certified check to the Town as a security. Upon completion of the repair work, the check would be signed over to Erickson.

Reid moved to replace condition number nine of the Swanson Lane Common Driveway Amendment Special Permit with the release of an occupancy permit contingent upon the receipt of cash or equivalent to cover the cost of item number seven in the memo from LandTech dated 4/11/02, as determined by LandTech and to include a contingency amount. Lane seconded the motion and it carried 6-0.

Reid asked the PA to verify that our engineering consultants always use regional adjustments as recommended in the Means index when providing estimated costs of completion.

At 9:15 p.m. the Board unanimously adjourned the meeting.

Respectfully submitted,

A handwritten signature in cursive script, reading "Anja M. Stam". The signature is written in dark ink and is positioned above the printed name and title.

Anja M. Stam
Administrative Assistant